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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,158

03/25/2004

Pelegrin Torres JR.

PD-203061

7382

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11/13/2006

EXAMINER

SIPOS, JOHN

THE DIRECTV GROUP INC

PATENT DOCKET ADMINISTRATION RE/R11/A109

P O BOX 956

EL SEGUNDO, CA 90245-0956

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,158

Applicant(s)

TORRES, PELEGRIN

Examiner

John Sipos

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 14-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's arguments have been considered but are not persuasive and therefore the rejections made in the last Office action are repeated.

REJECTIONS OF CLAIMS BASED ON PRIOR ART

Claims 1-9 and 11-13 are rejected under **35 U.S.C. ' 103(a)** as being unpatentable over Admitted Prior Art (APA) of pages 1-3 of the instant specification in view of the patent to Limelette (6,899,276). The APA comprises the placing of a Smart Card having a bar code in an envelope that is preprinted with a license agreement and then sealing the envelope. The envelope has a window that makes the bar code visible without opening the envelope. The opening of the preprinted envelope indicates acceptance of the agreement by the customer. This APA lacks the use of a film for the packaging. The patent to Limelette shows the wrapping of a data-encoded card in a polypropylene film that comprises a window portion to provide visibility of the card. It would have been obvious to one skilled in the art to use a film to package the Smart Card of the APA instead of the paper envelope to form a cheaper and a more easily mass-produced package.

The specific size of the card and film (claims 4,5 and 13) are matters of experimentation as to the most efficient and optimum package.

Regarding claims 11-13, the printing of dark text against light background regardless of the material is well known in the packaging art and one such example is the APA envelope and using the same concept on a film would have been obvious to one skilled in the art to make the print more legible.

Claim 10 is rejected under **35 U.S.C. ' 103(a)** as being unpatentable over Admitted Prior Art (APA) of pages 1-3 of the instant specification in view of the patent to Limelette (6,899,276) in view of the Admitted Prior Art 2 (APA2).

As was stated in the last Office action, the examiner considers the use of spines on packages well known and took Official Notice of such use. Therefore, it would have been obvious to one skilled in the art to provide the Smart Card package with a spine to provide for easier access and grasping of the package. In view of these assertions made by the Examiner in the last Office action and Applicants silence regarding them, the motion sensor feature is considered as an admission of prior art.

RESPONSE TO APPLICANT'S ARGUMENTS

Applicant's arguments with respect to the claims have been considered but are not persuasive. Applicant's arguments are mainly directed to the specifics of the Limelette reference including the specifics of the film and the structure of the film. This reference was used as a secondary teaching reference to merely show that the wrapping of data-encoded card in a film is well known in the art. This process provides advantages in that it rather than inserting the card into a preformed paper envelope, it can be mass-produced cheaply into extruded film. As result, it would have been obvious to one skilled in the art to wrap a Smart Card of the APA in film rather than inserting it into an envelope as taught by Limelette.

Regarding claims 3-5, Applicant argues that the forming of the package from film would produce a cheaper and smaller package and such package would not allow the footprint to be larger than the Smart Card. The rejection did not mention the formation of packages smaller than the Smart Card by performing the wrapping operation. In fact the basic APA package is an envelope that is larger than the Smart Card and the footprint/Smart card size relationship, as correctly stated by Applicant, merely depends on the length of the license agreement, by the font

size and other design considerations. It would have been obvious to one skilled in the art to print a license agreement larger than the Smart Card and of size that the package size permits to make its reading easier by the user.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

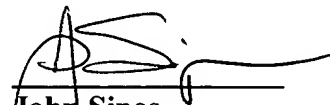
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3721

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

The **FAX** number for U.S. Patent and Trademark Office is **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.



John Sipos
Primary Examiner
Art Unit 3721